

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4538-02  
Bill No.: SB 613  
Subject: Crimes and Punishment; Firearms and Fireworks; Public Safety Department;  
Weapons; Political Subdivisions  
Type: Original  
Date: January 17, 2014

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Bill Summary: This proposal modifies provisions relating to firearms.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Local Government</b>	<b>Minimal</b>	<b>Minimal</b>	<b>Minimal</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. If there is significant litigation, AGO may seek additional appropriations.

In response to a similar proposal from 2013 (HB 436), officials from the **Office of Prosecution Services (OPS)** assumed the proposal would not have a fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of being a school protection officer and failing to properly carry his concealed weapon at all times while on school property - a Class B misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

According to officials from the **Department of Elementary and Secondary Education**, there is no anticipated state cost to the foundation formula associated with this proposal. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to school districts increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Revenue** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections (DOC)** state this bill, if passed into law, modifies provisions relating to firearms.

Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class C felony (Section 571.070). Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY13 average of \$18.014 per offender, per day, or an annual cost of \$6,575 per inmate) or through supervision provided by the Board of Probation and Parole (FY13 average of \$5.07 per offender, per day or an annual cost of \$1,851 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Sixteen (16) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

In response to a similar proposal from this year (HB 1129) that lowered the concealed carry age, officials from the **Boone County Sheriff's Department** state that additional revenue will be generated by lowering the eligibility age from 21 to 19. It is unknown how many persons 19 or 20 years of age will apply for CCW permits with the passage of this legislation. An increase in costs for labor in processing more applications, materials, printing, etc. will be incurred; however, neither are expected to be significant.

Applicants for a concealed carry permit must submit a nonrefundable fee not to exceed \$100 to the Sheriff to cover various costs included in the application process. **Oversight** assumes a minimal number of new applications will result from this bill and; therefore, will reflect a 'Minimal' amount of net fee revenue for the counties.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
<b>GENERAL REVENUE</b>			
<u>Costs - Department of Corrections</u>			
Incarceration and/or supervision	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
<b>COUNTIES</b>			
<u>Income - to the Sheriffs' Revolving Funds</u> for expanding the concealed carry permit	<u>Minimal</u>	<u>Minimal</u>	<u>Minimal</u>
<b>ESTIMATED NET EFFECT TO COUNTIES</b>	<b><u>Minimal</u></b>	<b><u>Minimal</u></b>	<b><u>Minimal</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

CONCEALED CARRY PERMITS - Sections 571.030, 571.101, & 571.117

Under current law, a person, who is not a member of the United States Armed Forces or honorably discharged from the armed forces, must be at least 21 years of age in order to qualify for a concealed carry endorsement. This act lowers the age to at least 19 years of age.

RAS:LR:OD

FISCAL DESCRIPTION (continued)

Any permit fees required for a concealed carry endorsement are waived for applicants who are disabled veterans.

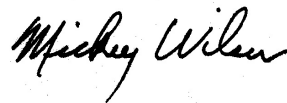
UNLAWFUL POSSESSION - 571.070

Under the act, a person commits the offense of unlawful possession of a firearm (a class C felony) if the person is illegally in the United States.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Public Safety  
Office of the State Courts Administrator  
Department of Public Safety  
Department of Corrections  
Department of Revenue  
Department of Elementary and Secondary Education  
Boone County Sheriff's Department  
Office of Prosecution Services



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January 17, 2014

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January 17, 2014